

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
January 21, 2004**

The City Council/Redevelopment Agency of the City of Westminster, California convened on January 21, 2004 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, QUACH, FRY, PARIS
ABSENT: MARSH

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: John M. Farrell and Marilyn Farrell v. City of Westminster.

RECESS: At 6:10 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:08 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS - None

1. CONSENT CALENDAR**ROUTINE MATTERS**

- 1.1 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.2 Approve contract for rubber surfacing at Sigler and Hoover Parks (502-18)**

ACTION: The City Council awarded a contract to Robertson Industries in the amount of \$75,109.68 and authorized the Interim City Manager to execute the agreement on behalf of the City.

- 1.3 Acceptance of a Vehicle Donation (103-11)**

ACTION: The City Council accepted the donation of a Chevrolet Passenger Van from the Los Angeles Metropolitan Transportation Authority (LAMTA) to replace the current Police Explorer Van Unit No. 935.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.4 Resolution No. 3822 entitled, "A Resolution of the City Council of the City of Westminster adopting the City of Westminster Emergency Management Plan and approving submittal of the Westminster Emergency Management Plan to the State of California Office of Emergency Services by February 2, 2004". (803-01)**

ACTION: The City Council adopted Resolution No. 3822 and waived further reading.

WARRANT REGISTER

- 1.5 (City Council/Redevelopment Agency) Warrant Register dated December 25, 2003 through January 15, 2004. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.6 Minutes of the Community Services & Recreation Commission meeting held November 11, 2003 (104-05)**

ACTION: Received and filed.

- 1.7 Minutes of the Cultural Arts Commission meetings held November 6, 2003, December 4, 2003 and January 1, 2004 (104-06)**

ACTION: Received and filed.

1.8 Minutes of the Youth Committee meeting held November 14, 2003 (104-17)

ACTION: Received and filed.

1.9 Minutes of the Planning Commission study session held January 7, 2004 (104-11)

ACTION: Received and filed.

1.10 Community Development Monthly Activity Report – December 2003 (216-01)

ACTION: Received and filed.

Motion was made by Council Member Paris, and seconded by Council Member Fry, to approve the Consent Calendar. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR**2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW****2.1 The actions of the Planning Commission meeting held on January 14, 2004**

The Planning Director reviewed the actions of the Planning Commission meeting of January 14, 2004:

- 1) 13942 Cedar Street (Case No. 2003-56: Zone Change/General Plan Amendment/Area Variance/Site Plan) for construction of a 3-unit apartment.
- 2) 6777 Westminster Boulevard (Case No. 2003-75: Conditional Use Permit) for establishment of a new fitness center within the existing Westminster Center.
- 3) 8112 18th Street (Case No. 2003 – 72: Site Plan/Design Review) for construction of a 3-unit apartment.

Motion was made by Council Member Paris, and seconded by Council Member Marsh, to receive and file the report of the Planning Commission meeting of January 14, 2004. The motion was carried by a 5-0 vote.

3. PUBLIC HEARINGS**3.1 PLANNING CASE NO. 2003-73 (ZONE CHANGES AND NEGATIVE DECLARATION 03-12); CITY INITIATED (201-00)**

Time set for a public hearing to consider Case No. 2003-73, part of the General Plan Consistency Project (GPCP), pertaining to Negative Declaration 03-12 and a zone change from PF, "Public Facilities," to P/SP, "Public/Semi-Public," for sites 1-14 and 17-29 and a zone change from PF, "Public Facilities," and M1, "Light Industrial" to P/SP, "Public/Semi-Public," for Site 15 (Midway Sanitary District building) for 28 sites as follows:

Site 1	Eastwood Elementary School	13552 University Ave.
Site 2	Sequoia Elementary School	5900 Iroquois Rd.
Site 3	OCFA Station No.65 /City Storage	6061 Hefley St.
Site 4	Finley Elementary School	13521 Edwards St.
Site 5	Johnson Middle School	13603 Edwards St.
Site 6	Fryberger Elementary School	6952 Hood Dr.
Site 7	California Highway Patrol	13200 Goldenwest St.
Site 8	Post Office	13761 Goldenwest St.
Site 9	Schmitt Elementary School	7200 Trask Ave.
Site 10	Westminster High School	14325 Goldenwest St.
Site 11	Willmore Elementary School	7122 Maple St.
Site 12	Department of Motor Vehicles	13700 Hoover St.
Site 13	Webber Elementary School	14142 Hoover St.
Site 14	Westminster School District Hdqtrs	14142 Cedarwood St.
Site 15	Midway City Sanitary District	14451 Cedarwood Ave.
Site 17	Land Elementary School	15151 Temple St.
Site 18	Well Site (Reservoir #1 Well)	8211 23rd St.
Site 19	Warner Middle School	14171 Newland St.
Site 20	Hayden Elementary School	14782 Eden St.
Site 21	DeMille Elementary School	15400 Van Buren St.
Site 22	Starview Elementary School	8411 Worthy Dr.
Site 23	Westmont Elementary School	8251 Heil Ave.
Site 24	Carrillo Elementary School	15270 Bushard St.
Site 25	McGarvin Intermediate School	9802 Bishop Pl.
Site 26	Marshall Elementary School	15791 Bushard St.
Site 27	Post Elementary School	14641 Ward St.
Site 28	Anthony Elementary School	15320 Pickford St.
Site 29	La Quinta High School	10372 McFadden Ave.

The Community Development Director stated that this request is Phase 3 of the City's General Plan Consistency Project which is state-mandated, changing the zoning. When the item was before the Planning Commission, there was a Site 16, the Westminster Cemetery, however, the Planning Commission determined that the cemetery was unique and it remained in its original zoning category.

Council Member Marsh inquired about the new zoning for schools, and in the event the proposed changes were not approved, what could they do with their properties. The Community Development Director said that they could not insist we approve any sale of the property as residential or commercial.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SEEING THAT NO ONE CAME FORWARD, THE MAYOR CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Fry, and seconded by Council Member Paris, to approve the recommendation of the Planning Commission as follows:

- 1) Adopt Negative Declaration 03-12 finding that there are no significant adverse environmental impacts associated with this project; and
- 2) Introduce Ordinance No. 2370 (First Reading) entitled, “ An Ordinance of the City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning (Case 2003-73) for 28 sites per Sectional District Maps: 1-5-11, 2-5-11, 3-5-11, 4-5-11, 8-5-10, 10-5-11, 11-5-11, 12-5-11, 13-5-11 14-5-11, 17-5-10, 18-5-10 and 24-5-11” and waive further reading.

The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

4. ORAL COMMUNICATIONS

Becky Welty, a member on the Orange County Human Relations Commission, distributed copies of their Annual Report and latest newsletter and gave a brief overview of the Commission's interaction with the City of Westminster. She also presented the City Council with a Certificate of Recognition for outstanding support of positive human relations in collaboration with the Orange County Human Relations Council for fiscal year 2002-03. The Mayor thanked Ms. Welty on behalf of the City Council.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Quach wished everyone a Happy Lunar New Year and invited all to come to the Tet Parade this Saturday.

Council Member Paris announced that a mobile health clinic from Childrens Hospital of Orange County (CHOC) will be coming to the Boys and Girls Club parking lot on February 13, 2004, to provide services to indigent children. He said that the Boys and Girls Club annual golf tournament will be held this year on August 9th.

Council Member Marsh commented on remarks made on the Vietnamese language radio lately regarding the Tet Parade. He explained that the United States is a country with a rule of law and the City Council does not have power to do as it pleases. He explained that the event is allowed by the City but not an event of the City; that one specific group

was granted the special event permit, and culture does not play a part in that process because the rules apply to everyone equally. He noted that the City Council was threatened by negative publicity.

Mayor Rice said she was very unhappy with the way the group opposing those who had the special event permit for the Tet Parade treated her and the City staff on the radio.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Study Session for the 2004 Community Development Block Grant (CDBG) and Home Programs Funds (103-08)

It was the consensus of the Council to schedule a study session for 6:00 p.m. on February 11, 2004 to hear presentations from non-profit agencies and City departments applying for CDBG and HOME Program funding.

6.2 Award of Contract for Median Island Improvements for Bolsa Avenue from Magnolia to Ward Street (502-14)

The Public Works Director stated that nine bids were received, that Nativ Engineering Inc. met the criteria and that other cities were contacted who have received satisfactory results from the low-bid contractor.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to:

- 1) Approve a budget amendment in the amount of \$720,000.00 to increase Account No. 18002-034005 for the HES federal Grant; and
- 2) Award the contract to the low qualified bidder, Nativ Engineering, Inc., in the amount of \$1,795,349.56; that all other bids be rejected; and authorize the Interim City Manager to execute the contract on behalf of the City.

The motion was carried by a 5-0 vote.

URGENCY ITEM

The Interim City Manager requested that an urgency item be added to the agenda, which arose subsequent to the posting of the agenda and will require action before the next scheduled City Council meeting, as follows:

6.3 Request for support from the Little Saigon Tet Parade Association. (213-02)

Motion was made by Council Member Fry, and seconded by Council Member Paris, to add an item to the agenda of an urgent nature, which arose subsequent to the posting of the agenda and will require action before the next scheduled City Council meeting. The motion was carried by a 5-0 vote.

The Interim City Manager read the letter of request from the Little Saigon Tet Parade Association, requesting a line of credit (temporary advance) of \$10,000 due to the lack of donations as a result of a dispute from the opposing group who did not receive a special event permit.

Janet Nguyen, Chair of the Little Saigon Tet Parade Association, stated she anticipated that it will take her organization approximately nine months to pay back the \$10,000 loan. She said she believes that the dispute will become a matter of the past after people see the Tet Parade.

Discussion ensued regarding the cash bond the Association put up for the event. The City Attorney clarified that the request then is not for a loan, but for the City to defer their obligation to pay for the cost of the parade for up to nine months.

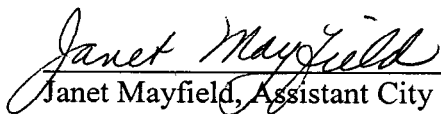
Andrew Do, Little Saigon Tet Parade Association Committee Member, stated that it would be satisfactory to defer the amount they owe to the City for services for nine months.

Motion was made by Council Member Paris, and seconded by Council Member Fry, that the Little Saigon Tet Parade Association can defer their obligation to pay for the cost of the parade, in the amount of \$10,000, for up to nine months, conditioned on the bond remaining valid. The motion was carried by a 5-0 vote.

7. **WRITTEN COMMUNICATIONS (Public) – None**
8. **LEGISLATIVE ITEMS – None**
9. **COMMISSION AND COMMITTEE ITEMS – None**

Mayor Rice read a short biography of David Do, former Youth Committee Member, who passed away on December 27, 2003 at the age of 19.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:02 p.m., Mayor/Chair Rice adjourned in memory of David Do, former Youth Committee Member.


Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary